

By: Buckingham, et al.

S.B. No. 700

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Texas Parks and
Wildlife Department.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.0111, Parks and Wildlife Code, is
amended to read as follows:

Sec. 11.0111. SUNSET PROVISION. The Parks and Wildlife
Department is subject to Chapter 325, Government Code (Texas Sunset
Act). Unless continued in existence as provided by that chapter,
the department is abolished September 1, 2033 [~~2021~~].

SECTION 2. Section 11.0126, Parks and Wildlife Code, is
amended by amending Subsection (b) and adding Subsection (d) to
read as follows:

(b) The training program must provide the person with
information regarding:

(1) the law governing [~~legislation that created the~~]
department operations [~~and the commission~~];

(2) the programs, functions, rules, and budget of
[~~operated by~~] the department;

(3) the scope of and limitations of the rulemaking
authority [~~the role and functions~~] of the commission [~~department~~];

(4) [~~the rules of the commission, with an emphasis on~~]
[~~the rules that relate to disciplinary and investigatory authority,~~

[~~(5) the current budget for the department,~~

1 ~~[(6)]~~ the results of the most recent formal audit of
2 the department;

3 (5) ~~[(7)]~~ the requirements of:

4 (A) laws relating to ~~[the]~~ open meetings, public
5 information, administrative procedure, and disclosing conflicts of
6 interest ~~[law, Chapter 551, Government Code]; and~~

7 (B) ~~[the public information law, Chapter 552,~~
8 ~~Government Code,~~

9 ~~[(C) the administrative procedure law, Chapter~~
10 ~~2001, Government Code; and~~

11 ~~[(D)]~~ other laws applicable to members of a state
12 policy-making body in performing their duties ~~[relating to public~~
13 ~~officials, including conflict-of-interest laws]; and~~

14 (6) ~~[(8)]~~ any applicable ethics policies adopted by
15 the department or the Texas Ethics Commission.

16 (d) The director shall create a training manual that
17 includes the information required by Subsection (b). The director
18 shall distribute a copy of the training manual annually to each
19 member of the commission. Each member of the commission shall sign
20 and submit to the director a statement acknowledging that the
21 member received and has reviewed the training manual.

22 SECTION 3. The heading to Section 11.0161, Parks and
23 Wildlife Code, is amended to read as follows:

24 Sec. 11.0161. NOTIFICATION OF COMMISSION ACTIVITIES~~+~~
25 ~~COMPLAINTS~~].

26 SECTION 4. Subchapter B, Chapter 11, Parks and Wildlife
27 Code, is amended by adding Section 11.0165 to read as follows:

1 Sec. 11.0165. COMPLAINTS. (a) The department shall
2 maintain a system to promptly and efficiently act on complaints
3 filed with the department. The department shall maintain
4 information about parties to the complaint, the subject matter of
5 the complaint, a summary of the results of the review or
6 investigation of the complaint, and its disposition.

7 (b) The department shall make information available
8 describing its procedures for complaint investigation and
9 resolution.

10 (c) The department shall periodically notify the complaint
11 parties of the status of the complaint until final disposition
12 unless the notice would jeopardize an investigation.

13 SECTION 5. Section 11.104, Parks and Wildlife Code, is
14 amended by amending Subsection (c) and adding Subsections (f) and
15 (g) to read as follows:

16 (c) Based on the analysis made under Subsection (a), the
17 department shall prepare a land and water resources conservation
18 and recreation plan. [~~The plan must include criteria for~~
19 ~~determining how to meet the state's conservation and recreation~~
20 ~~needs.~~] The department shall revise the plan as necessary to
21 reflect changes in the inventory developed under Section 11.103.

22 The plan must include:

23 (1) criteria for determining how to meet the state's
24 conservation and recreation needs; and

25 (2) measures of the effectiveness of the department in
26 meeting the goals and objectives of the plan, including, where
27 possible, quantifiable measures.

1 (f) Every five years the department shall evaluate progress
2 towards achieving the goals and objectives of the plan prepared
3 under Subsection (c). The department's evaluation must:

4 (1) include the effectiveness measures under
5 Subsection (c)(2); and

6 (2) identify:

7 (A) the goals and objectives met by the
8 department; and

9 (B) reasons for any unmet goals or objectives.

10 (g) On completion of an evaluation under Subsection (f), the
11 department shall develop and implement practices designed to
12 improve progress towards meeting the goals and objectives of the
13 plan.

14 SECTION 6. Subchapter B, Chapter 12, Parks and Wildlife
15 Code, is amended by adding Section 12.1025 to read as follows:

16 Sec. 12.1025. RISK-BASED INSPECTIONS OF NONRECREATIONAL
17 AUTHORIZATION HOLDERS. (a) In this section, "nonrecreational
18 authorization holder" means a holder of a license, permit, or other
19 authorization required by this code or rules adopted under this
20 code. The term does not include a holder of:

21 (1) a hunting license issued under Chapter 42;

22 (2) a hunting or fishing stamp issued under Chapter
23 43;

24 (3) a fishing license issued under Chapter 46; or

25 (4) a combination hunting and fishing license issued
26 under Chapter 50.

27 (b) The commission by rule shall adopt a policy to guide the

1 prioritization of inspections of nonrecreational authorization
2 holders based on risk to the state's natural resources.

3 (c) The policy adopted under this section must require that
4 the department:

5 (1) identify the nonrecreational authorization
6 holders that require on-site inspections;

7 (2) develop an assessment tool for determining the
8 appropriate frequency and intensity of department inspections of
9 nonrecreational authorization holders, based on key risk factors
10 and indications of increased or decreased risk, such as repeated or
11 remedied violations and failed or passed inspections; and

12 (3) document all inspections of nonrecreational
13 authorization holders and the results of those inspections and make
14 the documentation available to all employees whose job descriptions
15 include the regulation of nonrecreational authorization holders.

16 SECTION 7. Section 24.001(12), Parks and Wildlife Code, is
17 amended to read as follows:

18 (12) "Underserved population" means any group of
19 people that is:

20 (A) low income, inner city, or rural as
21 determined by the last census;

22 (B) [~~or~~] minority;

23 (C) youth, including youth at risk and youth with
24 a physical, developmental, or intellectual disability or mental
25 illness; [~~physically or mentally challenged youth at risk, youth,~~]

26 or

27 (D) female.

1 SECTION 8. Section 24.051(11), Parks and Wildlife Code, is
2 amended to read as follows:

3 (11) "Underserved population" means any group of
4 people that is:

5 (A) low income or inner city, as determined by
6 the last census;

7 (B) [~~or~~] minority;

8 (C) youth, including youth at risk and youth with
9 a physical, developmental, or intellectual disability or mental
10 illness; [~~physically or mentally challenged youth at risk, youth,~~]
11 or

12 (D) female.

13 SECTION 9. Section 31.044, Parks and Wildlife Code, is
14 amended to read as follows:

15 Sec. 31.044. INSPECTIONS. (a) A dealer, distributor, or
16 manufacturer may not refuse to allow the department or a peace
17 officer to inspect a vessel, outboard motor, or records relating to
18 the possession, origination, ownership, or transfer of a vessel or
19 outboard motor at a dealership or distributor's or manufacturer's
20 place of business during normal business hours.

21 (b) The commission by rule shall adopt a policy to guide the
22 prioritization of inspections of license holders holding a license
23 issued under Section 31.041 based on risk to water safety.

24 (c) The policy adopted under this section must require that
25 the department:

26 (1) determine the conditions under which an on-site
27 inspection of a license holder by the department is appropriate;

1 (2) develop an assessment tool for determining the
2 appropriate frequency and intensity of department inspections of
3 license holders, based on key risk factors and indications of
4 increased or decreased risk, such as repeated or remedied
5 violations and failed or passed inspections; and

6 (3) document all license holder inspections and the
7 results of those inspections and make the documentation available
8 to all employees whose job descriptions include the regulation of
9 license holders.

10 (d) The policy adopted under this section may be combined
11 with a policy adopted under Section 12.1025.

12 SECTION 10. Sections 42.012(b) and (c), Parks and Wildlife
13 Code, are amended to read as follows:

14 (b) The commission may set a lower fee or waive the fee or
15 license requirement for a resident who is under 17 years old, 65
16 years old or older, or participating in an event that is sponsored
17 or co-sponsored by the department [~~Texas Parks and Wildlife~~
18 ~~Department~~] with the approval of the [~~executive~~] director. The
19 commission shall waive the fee for a qualified [~~disabled~~] veteran
20 with a disability and for a resident on active duty as a member of
21 the United States military forces, the Texas Army National Guard,
22 the Texas Air National Guard, or the Texas State Guard.

23 (c) "Qualified [~~disabled~~] veteran with a disability" means
24 a veteran with a service connected disability, as defined by the
25 United States Department of Veterans Affairs, consisting of the
26 loss of the use of a lower extremity or of a disability rating of 50
27 percent or more and who is receiving compensation from the United

1 States for the disability.

2 SECTION 11. Section 46.002, Parks and Wildlife Code, is
3 amended to read as follows:

4 Sec. 46.002. EXEMPTIONS. (a) A license issued under this
5 chapter is not required of a person:

6 (1) who is a resident and whose birth date is before
7 January 1, 1931;

8 (2) who is a nonresident, if the person's birth date is
9 before September 1, 1930, and the person's state of residence
10 grants a similar age exemption to Texas residents;

11 (3) with a mental illness or developmental or
12 intellectual disability who is engaged [~~mentally disabled and who~~
13 ~~is engaging~~] in recreational fishing as part of medically approved
14 therapy[~~, and who is fishing~~] under the immediate supervision of
15 personnel approved or employed by a hospital, residence, or school
16 for [~~mentally disabled~~] persons with mental illnesses or
17 developmental or intellectual disabilities;

18 (4) with a mental illness or developmental or
19 intellectual disability who is [~~mentally retarded and is~~] engaged
20 in recreational fishing under the immediate supervision of a person
21 who:

22 (A) holds a license issued under this chapter;
23 and

24 (B) if not a member of the family of the person
25 with a mental illness or developmental or intellectual disability,
26 has the permission of the [~~mentally retarded person's~~] family head
27 or legal guardian of the person with a mental illness or

1 developmental or intellectual disability to take the [~~mentally~~
2 ~~retarded~~] person with a mental illness or developmental or
3 intellectual disability fishing [~~if the person is not a member of~~
4 ~~the family of the mentally retarded person~~]; or

5 (5) who is participating in an event that is sponsored
6 or co-sponsored by the department [~~Texas Parks and Wildlife~~
7 ~~Department~~] with the approval of the director [~~Executive Director~~].

8 (b) The [~~mentally disabled~~] person with a mental illness or
9 developmental or intellectual disability who is recreationally
10 fishing under Subsection (a)(3) shall carry an authorization
11 identifying the entity supplying the service. This authorization
12 may be in the form of a tag that contains the name of the sponsoring
13 entity.

14 (c) A [~~mentally retarded~~] person with a mental illness or
15 developmental or intellectual disability who is engaged in
16 recreational fishing under Subsection (a)(4) must carry a note from
17 a doctor stating that the person has been diagnosed with a mental
18 illness or developmental or intellectual disability [~~as mentally~~
19 ~~retarded~~].

20 SECTION 12. Section 46.004(c), Parks and Wildlife Code, is
21 amended to read as follows:

22 (c) The commission shall waive the fee for a qualified
23 [~~disabled~~] veteran with a disability as defined by Section 42.012
24 and for a resident on active duty as a member of the United States
25 military forces, the Texas Army National Guard, the Texas Air
26 National Guard, or the Texas State Guard.

27 SECTION 13. Chapter 86, Parks and Wildlife Code, is amended

1 by adding Section 86.0215 to read as follows:

2 Sec. 86.0215. INSPECTIONS. (a) In this section, "permit
3 holder" means a person holding a permit under Section 86.006.

4 (b) The commission by rule shall adopt a policy to guide the
5 prioritization of inspections of permit holders based on risk to
6 the state's natural resources.

7 (c) The policy adopted under this section must require that
8 the department:

9 (1) determine the conditions under which an on-site
10 inspection of a permit holder by the department is appropriate;

11 (2) develop an assessment tool for determining the
12 appropriate frequency and intensity of department inspections of
13 permit holders, based on key risk factors and indications of
14 increased or decreased risk, such as repeated or remedied
15 violations and failed or passed inspections; and

16 (3) document all inspections of permit holders and the
17 results of those inspections and make the documentation available
18 to all employees whose job descriptions include the regulation of
19 permit holders.

20 (d) The policy adopted under this section may be combined
21 with a policy adopted under Section 12.1025.

22 SECTION 14. Sections 11.0161(b), (c), (d), and (e), Parks
23 and Wildlife Code, are repealed.

24 SECTION 15. (a) Except as provided by Subsection (b) of
25 this section, Section 11.0126, Parks and Wildlife Code, as amended
26 by this Act, applies to a member of the Parks and Wildlife
27 Commission appointed before, on, or after the effective date of

1 this Act.

2 (b) A member of the Parks and Wildlife Commission who,
3 before the effective date of this Act, completed the training
4 program required by Section 11.0126, Parks and Wildlife Code, as
5 that law existed before the effective date of this Act, is only
6 required to complete additional training on the subjects added by
7 this Act to the training program required by Section 11.0126, Parks
8 and Wildlife Code. A board member described by this subsection may
9 not vote, deliberate, or be counted as a member in attendance at a
10 meeting of the board held on or after December 1, 2021, until the
11 member completes the additional training.

12 SECTION 16. This Act takes effect September 1, 2021.